

ORDINANCE NO. 07- 306

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 14.02, 14.08, 14.40, 14.58, 14.65, 14.66, 14.74, 14.76, 14.78, 14.80, 14.82 AND 14.86 OF TITLE 14 PERTAINING TO ZONING DEFINITIONS, RESTAURANTS AS PERMITTED USES, ZONING EXCEPTIONS AND NONCONFORMING USE REGULATIONS, PERMITTED USES IN THE PCF ZONING DISTRICTS, UNDERGROUND UTILITY DISTRICTS, AND PROJECT NOTICING REQUIREMENTS.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.050 of Chapter 14.02 is hereby replaced with the following, and; section 14.02.070 of Chapter 14.02 is hereby amended by adding or changing the following definitions:

14.02.050 General Provisions and Definitions

The provisions of this chapter shall apply to all property located within the City except public streets, property and property rights owned by the City, and public utility lines within the public right-of-way. With the above noted exceptions, this chapter applies to all such property whether the same is owned by private persons, firms, corporations or organizations, or by the State or any of its agencies or political subdivisions, or by any county, or by any city with the exception of the City of Los Altos. Land uses that are not provided for herein as permitted uses, conditional uses, or limited conditional uses, are prohibited.

“Bay window” means a large window or series of windows cantilevered from the outer wall of a building and forming a recess within.

“Gross floor area” means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, including halls, stairways on each level, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, and enclosed accessory structures. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet.

“Retail uses” means uses that predominantly sell products rather than services, directly to the public, and generally for consumer or household use. Retail uses are designed to attract a high volume of walk-in customers and have floor space that is devoted predominantly to the display of merchandise to attract customers. Retail businesses may also provide incidental after-sales services, such as repair and installation, for the goods sold.

1. “Extensive retail” as used with respect to parking requirements, means a retail use primarily selling large commodities such as home or office furniture, floor coverings, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems, and outdoor furniture, such as lawn furniture, movable spas and hot tubs.
2. “Intensive retail” as used with respect to parking requirements, means any retail use not defined as an extensive retail use.

“Site coverage” means the land area covered by all the structures on a site, including all projections except eaves. Site coverage does not include paved surfaces or structures under six feet in height.

SECTION 2. AMENDMENT OF CODE: Subsection 14.08.040(C) of Chapter 14.08 is hereby deleted; section 14.08.060 is hereby replaced with the following, and; subsection 14.08.080(G) is hereby added to section 14.08.080:

14.08.060 Coverage (R1-H).

A. The maximum coverage for all structures in excess of six feet in height shall be twenty-five (25) percent of the total area of the site.

B. Any lot in the R1-H district that is less than fifteen thousand (15,000) square feet shall conform to the coverage requirements set forth in Chapter 14.06.

G. Any lot in the R1-H district that is less than fifteen thousand (15,000) square feet shall conform to the yard requirements set forth in Chapter 14.06.

SECTION 3. AMENDMENT OF CODE: Subsection 14.40.030(E) of Chapter 14.40 is hereby replaced with the following, and; subsection 14.40.040(E) is hereby deleted and the remaining section is renumbered accordingly:

E. Restaurants, excluding drive-through services;

SECTION 4. AMENDMENT OF CODE: Sections 14.58.020 and 14.58.030 of Chapter 14.58 are hereby replaced with the following:

14.58.020 Permitted uses (PCF).

A. The following uses shall be permitted in the PCF District:

1. All facilities owned, leased, or operated by the city, the county, the state, or the United States of America;
2. Open space conservation areas;
3. Public schools;
4. Recycling facilities: (i) small collection facilities, and (ii) reverse vending machines, as provided for in Chapter 14.68; and
5. Uses which are determined by the city planner to be of the same general character.

B. Except for the specific uses set forth in Section 14.58.030(B) of this chapter, the following low-intensity, nonretail uses, in accordance with the provisions of Section 14.58.040 of this chapter, may use space in a public school facility:

1. Child care facilities;
2. Educational uses; and
3. Recreational activities.

14.58.030 Conditional uses (PCF).

A. The following uses shall be permitted upon the granting of a use permit in accordance with the provisions of Chapter 14.80:

1. Churches, monasteries, convents, and other religious institutions;
2. Hospitals, convalescent hospitals, residential care homes, and nursing homes;
3. Institutions of an educational or philanthropic nature, including museums and noncommercial art galleries, other than those operating from a public school facility;
4. Plant nurseries;
5. Private schools and day care centers other than those operating from a public school facility;
6. Public and private nonprofit recreation areas, country clubs, golf courses, and private noncommercial clubs other than those operating from a public school facility;
7. Public utility and public service structures and installations;
8. Recycling facilities: large collection facilities as provided for in Chapter 14.68 of this title; and
9. Uses which are determined by the city planner to be of the same general character.

B. In accordance with the provisions of Section 14.58.040 of this chapter, the following low-intensity, nonretail uses which generate limited traffic may use the classrooms or office space of a public school site upon the granting of a use permit in accordance with the provisions of Chapter 14.80; provided, however, not more than forty (40) percent of such classroom or office space (not including any

multipurpose rooms, auditoriums, gymnasiums, or other such space) of each school site may be occupied by such uses:

1. Artist studios;
2. Cooking schools;
3. Dance studios;
4. General offices;
5. Music lessons; and
6. Photography studios.

SECTION 5. AMENDMENT OF CODE: Chapter 14.65 titled "Grant Road Underground Utility District" is hereby deleted in its entirety and its reference is removed from the table of contents.

SECTION 6. AMENDMENT OF CODE: Section 14.66.110, subsection 14.66.220(B), and subsection 14.66.250(E) of Chapter 14.66 are hereby replaced with the following, and; sections 14.66.130 and 14.66.280 are hereby deleted and the remaining Chapter renumbered accordingly:

14.66.110 Nonconforming uses-Abandonment/discontinuance.

An abandoned or discontinued nonconforming use in any district may resume if occupancy reoccurs within one hundred twenty (120) days of the date the use was originally abandoned or discontinued. A nonconforming use which had been abandoned or discontinued for more than one hundred twenty (120) days may resume upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title. Whenever a nonconforming use changes to a conforming use, the use of the structure and/or site thereafter shall be conforming.

B. Window surfaces, such as bay windows and greenhouse windows having no foundation or other connection to the surface of the ground below, may extend into any required side yard not more than eighteen (18) inches and may extend into any required front or rear yard not more than eighteen (18) inches provided such projections do not extend vertically between stories.

E. Completely enclosed penthouses or other similar roof structures for the housing of elevators, stairways, tanks, or electrical or mechanical equipment required to operate and maintain the building, and parapet walls and skylights may project not more than eight feet above the roof and the permitted building height provided the combined area of all roof structures does not exceed four percent of the gross area of the building roof. However, no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional usable floor space for dwelling, retailing, or storage of any type.

SECTION 7. AMENDMENT OF CODE: Section 14.74.100 of Chapter 14.74 is hereby replaced with the following,

14.74.100 Commercial uses in OAD, OA, CN, CS, CD, CRS, and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any gross square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

A. For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of gross floor area;

B. For extensive retail uses, not less than one parking space for each five hundred (500) square feet of gross floor area;

- C. For business, professional and trade schools, one parking space for every three employees, including teachers and administrators, plus one additional space for every two students;
- D. For bars, cafes, nightclubs, restaurants, and soda fountains, one parking space for every three employees, plus one space for every three seats provided for patrons, and such additional parking spaces as may be prescribed by the commission;
- E. For bowling alleys, one parking space for every three employees, plus six additional parking spaces for each alley;
- F. For pool halls, one parking space for every three employees, plus one additional parking space for each pool table;
- G. For other types of commercial recreation establishments, one parking space for every three employees, plus such additional parking spaces as may be prescribed by the planning commission;
- H. For hotels and motels, one parking space for every three employees, plus one additional space for each sleeping room or suite, and additional parking spaces as prescribed in subsection A of this section for any store, service establishment, shop, or studio located on the site, and additional parking spaces as prescribed in subsection C of this section for any bar, cafe, nightclub, restaurant, or soda fountain located on the site;
- I. For mortuaries, one parking space for every three employees, and one additional space for each hearse and funeral car owned or hired by the mortuary, plus the number of spaces prescribed by the planning commission for visitors and persons attending funerals;
- J. For theaters and auditoriums, one parking space for every four seats, plus one additional space for every three employees; and
- K. For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council.

SECTION 8. AMENDMENT OF CODE: Subsection 14.76.040(C) of Chapter 14.76 is hereby replaced with the following,

- C. Any addition of habitable area to the second floor of an existing two-story structure;

SECTION 9. AMENDMENT OF CODE: Subsection 14.78.030(C) of Chapter 14.78 is hereby replaced with the following,

- C. A public meeting notice for the architecture and site review committee meeting, the planning commission meeting and the city council meeting shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll. The planning commission meeting shall also constitute a public hearing and a notice of that hearing shall be published in a newspaper of general circulation within the city.

SECTION 10. AMENDMENT OF CODE: Subsection 14.82.040 of Chapter 14.82 is hereby replaced with the following,

14.82.040 Hearings-Notices.

The board of adjustments shall hold a public hearing on each application for a variance. Notice of such hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation and by mailing notices to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll.

SECTION 11. AMENDMENT OF CODE: Subsection 14.86.040 of Chapter 14.86 is hereby replaced with the following,

14.86.040 Hearings--Notices

The commission shall hold at least one public hearing on each application for a change in district boundaries and on each proposal for a change in district boundaries or of a district regulation, general provision, exception, or other provision of this chapter by all the following methods:

A. Notice of such public hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the city.

B. Mailing of notices to the recorded legal owners of all such properties within five hundred (500) feet of the boundaries of the property for which a change in district boundaries is proposed at the addresses shown on the last equalized assessment roll.

SECTION 12. ENVIRONMENTAL ANALYSIS. The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there is no possibility that these amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

SECTION 13. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 14. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 15. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on January 23, 2007 and was thereafter, at a regular meeting held on February 27, 2007 passed and adopted by the following vote:

Ayes: PACKARD, CARPENTER, CASAS, BECKER, COLE
Noes: NONE
Absent: NONE


Robert C. Cole, MAYOR

Attest:


Susan Kitchens, CITY CLERK